

**VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK
BOARD OF TRUSTEES
REGULAR MEETING
MARCH 20, 2007**

A Regular Meeting was held by the Board of Trustees on Tuesday, March 20, 2007 at 8:10 p.m. in the Meeting Room, Municipal Building, 7 Maple Avenue.

PRESENT: Mayor Wm. Lee Kinnally, Jr., Trustee Peter Swiderski, Trustee Jeremiah Quinlan, Trustee Diggitt McLaughlin, Village Manager Francis A. Frobel, Village Attorney Marianne Stecich, and Village Clerk Susan Maggiotto.

ABSENT: Trustee Marjorie Apel

CITIZENS: Thirty-one (31).

Mayor Kinnally: Trustee Apel is not here this evening because she is ill.

PRESENTATION - Proposed 2007 - 2008 Budget

Village Manager Frobel: Let me thank everyone for joining me tonight with this opportunity to present the proposed budget for the next fiscal year. I have a series of slides that will be helpful in depicting the budget. Copies of these slides will be available upon request or through the Internet.

The first one shows general fund revenues and expenditures. The budget beginning on June 1, or FY-08, will reach almost \$12 million. This is up from the current year, a continuing trend. As with expenses in our homes and businesses, our expenses go up as well. Some of the major components of expenditures are public safety, public works, general government, parks and recreation, employee benefits. The way the dollar is appropriated is in keeping with what the community has decided over the years. One that is increasing dramatically, and one I want to talk about later on, is debt service. Next year, for every dollar that we will spend, nine cents will go to pay our debt. For the current year about seven cents for every dollar went to debt. That is going up to almost 9%, so it is a matter for some concern.

The lion's share of revenues comes from property taxes: 69 cents of every dollar. The other sources are fairly unchanged. I am recommending that we use less appropriated surplus than in the current year, and that is something that I am working with the Trustees on. We would like to increase our fund balance. When we use appropriated surplus we are relying on our savings to help balance this budget.

This is a major source of concern and is pretty dramatic, in that it shows what has happened to our assessments. From a high in the year 1999, it dropped off in 2000, probably an indication as to when most of the businesses along the riverfront went out of operation.

Gradual increase up to year 2003, and from that time dropping off. As recently as late last week we were hoping we had more assessments to offer in terms of determining our tax rate, but we had another decrease based on action by our Board of Assessment Review. The next slide shows the offset to that; as assessments are going down and we are relying more heavily on property taxes, our property tax dependency goes up. Next year we are looking at \$194.47 per thousand, an increase of about 5.5%; when we went into this budget process we were looking to have it dramatically lower than that. But when you consider the demands for public service and other sources of revenue that just are not there, the property tax plays rather prominently into the calculation. The next slide shows the declining assessments and the increasing tax rate together; there is a gap that we are becoming more and more concerned about.

The next slide shows where some of the increases are occurring. General government, a \$123,000 increase; public safety, \$72,000; public works will be up. I am looking to begin to expand community services and parks and recreation. Our new Community Center will be coming on line and we have an ambitious set of programs to offer to the community. Our youth services director has some interesting programs, and we would like to give them a larger budget. Employee benefits is payment to our pension plans, medical insurance, and the programs that we provide to our current employees and our retirees. Debt will be up \$147,000 just for our general fund, not including our other two items of debt. So that is a matter for concern.

Means of financing: property tax up \$415,000. Our state aid is up a very small amount, under \$20,000. We are recommending once again that the Trustees consider a higher dependence upon sales tax. We believe we can justify that the trends are pretty strong, and we are receiving some additional money in sales tax. A matter of major concern for me is intergovernmental charges. You can see that is down \$20,000. We still do not have an agreement with the Town of Greenburgh for Donald Park fire services. We budgeted \$220,000 in the current year. I adjusted that downward to \$200,000 by year end. Greenburgh is offering us a fraction of what it truly costs to provide that service; that is a matter for concern and we are going to have to look at whether or not \$200,000 is even a practical number. Miscellaneous is down somewhat. Appropriated surplus, I am looking to begin to reduce our dependence upon that so we can build up our fund balance.

Expenditures in the general fund show a 5.7% increase. Our pool fund will be up slightly; we can demonstrate the increasing demand on that facility and how popular that is for the community. The library fund is going to be up a bit because the library is looking to expand its hours for Friday service. Fringe benefits: I show this because what we spend for salaries and our fringe benefits for our employees and our retirees consume 64% of our total

operating budget. Overall, it is about a 5.3% increase, which is not bad, given what we see in medical insurance. We are seeing some stabilization there.

Special projects: Just like last year, I advised the Trustees that I wanted to focus on completing projects that were already underway. I want to continue our efforts to complete Kinnally Cove. Sugar Pond deserves some attention. Quarry Trail is currently in design. We want to work on our neighborhood sidewalk repair and installation component of our community development block grant. We have a transportation plan that needs to be adopted by the Board. And, of course, the LWRP. I also offer a word of caution. We do not have a figure yet as to what we might be looking at in terms of our comprehensive plan. We need to keep that in mind. We also need to consider how far we want to go over the next 12 months for the development of the quarry site. There is money in contingency if we want to begin some of these projects, not enough to fund them entirely, by any means, but perhaps seed money to begin matching it for grants or to begin studies, either engineering or planning.

The budget covers all wages agreed to with our two collective bargaining groups, our police and highway workers. We also have money in there for our non-unionized employees. The Board will be considering increases for them. They are all subject to a performance evaluation that I am now working with the department heads to put into place. The budget does include one new person. I am recommending to the Trustees that they consider the hiring of a skilled laborer. We believe that our Public Works department needs additional staff. I recently presented the Board with a report about manpower concerns, program needs. We need to develop a true highway arm of the DPW. I see this person working on catchbasin repair, sign installation, coordinating street crews, crosswalk and line striping: a miscellaneous host of things that really need attention. So much of our effort now goes into just trash removal. I have some offsetting revenues; we can begin to collect additional fees that will help pay for this position. We do not just ask for things. We come up with solutions and ways that we can fund it. In keeping with that, we have some suggestions.

Also, the staff has been working with the Chamber. The Chamber of Commerce is looking to strengthen public awareness of our businesses through a business directory sign. Although I do not have an estimate, I am going to be recommending to the Trustees that we share in that expense. It serves all of our purposes if we have a strong, healthy local economy.

Debt service is reaching a point where it consumes almost 10 cents on every dollar that we spend. We need to be concerned about that. In the next slide we are going to talk about some capital projects for next year, and that is going to have an impact on our debt. But if the timing is right we can perhaps minimize the adverse impact on the tax rate. I have recommended to the Board that we purchase two small administrative sedans. Two department heads spend most of their time on the road, and they need to have safe, reliable

transportation. We need to purchase another sanitation truck. We have a 1991 truck that probably should have been replaced this year. In an effort to economize I pushed my luck, but we are at a point where we need to purchase a new truck. The chiefs are here tonight, and they are advocates for their equipment. I am recommending that we replace a 1984 pumper truck servicing Riverview Manor. The Board has talked about the ambulance. We were hoping for some private, corporate sponsorship sharing that expense. That may still happen, but we need to plan to replace that ourselves. Given the lead time for these items, we could structure the purchases so there will not be an impact on the next budget.

The remaining three funds are fairly level funded. Draper Park, no increase. Library fund, the Library Board would like to have it open on Fridays from Labor Day through Memorial Day. The pool fund is looking for an increase. We can justify it with the level of activity. They are close to paying their own way. There is still a deficit, but we are getting closer to raising the money that can meet most of the expenses at that facility. I would like the Board to consider some out of town memberships at a premium price.

A lot of people are owed a debt of thanks for the way they went about their job of putting this budget together. With a \$12 million operation I could not begin to estimate all the needs that the department heads will have over the next 12 months. But they did a very fine job in putting together what I think is a balanced budget, one that is very sensitive to the financial constraints that we operate under. They are taxpayers, like all of us here. They are very sensitive to the impact property taxes have on all of us. I think we have put together a very good budget.

This is the first night. The Trustees have not had a chance to ask any questions on the budget. There will be a work session next week, which will be the first of several work sessions. The Board will meet with each department head and will carefully go over that budget line by line, challenging numbers. Any change, any economy, any way of working better and less expensively will be explored by the Board. We have a public hearing on April 10. I expect in April we will also have additional work sessions with the department heads, myself, and the Trustees. We are looking to adopt the budget on April 27.

Mayor Kinnally: I join with you in extending a hearty thank you to all the members of the staff who assisted in the budget preparation. This is a process that has been ongoing since the first of the year. It is not an easy one. First of all to marshal all of the facts and figures and projections that are needed to come up with a budget, but then there is the internal give-and-take and negotiations between hopes and expectations and realizations and reality. This is the beginning of our process and it is going to be ongoing up to the adoption of the budget at the end of April.

APPROVAL OF MINUTES

On MOTION of Trustee McLaughlin, SECONDED by Trustee Swiderski with a voice vote of all in favor, the Minutes of the Public Hearing of March 6, 2007 were approved as presented.

On MOTION of Trustee Swiderski, SECONDED by Trustee McLaughlin with a voice vote of all in favor, the Minutes of the Regular Meeting of March 6, 2007 were approved as presented.

APPROVAL OF WARRANTS

On MOTION of Trustee Swiderski, SECONDED by Trustee McLaughlin with a voice vote of all in favor, the following Warrant was approved:

Multi-Fund No. 56-2006-07 593,370.51

PUBLIC COMMENTS

Mayor Kinnally: This is for items not otherwise on our agenda for this evening. Anyone wishing to speak, come forward and give your name and address for the record.

25:07 FARMERS' MARKET

Sue Smith, 645 Broadway: I sent the Board a memo that encapsulates the discussion that you requested of me and of the market at the last meeting, which was to talk with the police department and the Village Manager and see if we could come up with suggestions to give some relief to the parking situation in this area. At the beginning of the memo I have indicated why we think it is by far the best place to be for the Farmers' Market, understanding that it is inconvenient for people who live here and for the police.

The suggestions are five. In particular, to add some parking spots using diagonal parking on the east side of Maple Avenue by Maud's, and from the north a bit away from the driveway up to North Street. The police think that that would work because the road is wide enough in both cases. But it also would have the benefit of narrowing the highway, which would have a calming effect generally on traffic, which is needed every day. Another suggestion is to locate police vehicles not in use on Saturday away from this area. Those two ideas came from the police.

Create a few handicapped spots to the sides of the library driveway on Maple so that handicapped parking is available on Maple, not up in the market. It is not used a lot, but it is not great to have cars up there when you expect it to be a safe environment and have a car trying to turn around to get out.

For the busy two hours, between 9:30 and 11:30 generally, depending on the weather—if it is a good weather day, that is the busiest time, if it is lousy in the morning, people come later if it gets better—we had suggested a traffic enforcer on Maple, police thought at the foot of the driveway would be the best location, to get traffic to move along, not to double park to pick up people. The market has offered to pay for that cost if that would be an advisable thing to do. And certainly, reinforcing that there is free parking by Maud's and at Zinsser lot. It is ironic to me that we talk about walkable communities and encourage people to walk, and yet for many people, coming from Maud's up here seems like more than they want to do. At least it is downhill when you are carrying your groceries.

Again, we cannot stress enough that Hastings does not seem to have a better place to do this. We feel that it is so important to be connected to the downtown. You have a letter from the Chamber of Commerce stating how useful that can be to bring some business into Hastings. We started the market to try to energize the downtown on Saturdays, to bring people into Hastings who might not come here and also some Hastings people who might not come down on a Saturday. I know parking in the Village is tough. This is the reality of almost every place you go these days. The other letter of support is from the library; we have a very nice synergy with people doing two things at once. If the weather is not great, people can get into the library. It provides some electricity for us and also restrooms, which are very much appreciated, as does Village Hall. The library and the market have benefited each other.

Other places may have parking spaces, but that is all they have. To be close to the Village is as good as it can get. Nobody has to add how gorgeous this spot is because it overlooks the river. I made a point in my letter that you feel like Hastings really is on the Hudson when you are there. It definitely adds a special kind of aesthetic to the experience. There is nothing that can parallel it. Being at the market is not just shopping for food. It has a whole other dimension of socializing and enjoying being in a beautiful place. And it is safe for families. It has not got traffic around the edges of it.

Mayor Kinnally: You have identified a number of things that can be done to address the parking concerns that we all recognize and problems that are encountered during the market season. Ms. Topilnycky reminded me that the diagonal parking been previously looked at. I want to go back and see the report. We have to get the Safety Council and the police chief to take a look at this: the traffic flow, the competing interests of the people who live there and the people who shop there. There are parking problems in the months where the market is

not open. People park on Maple Avenue to shop in the downtown area. It is aggravated when the market is open but we should look at it year round. Moving the police vehicles and the private vehicles of the police is a good to free up some spaces.

Let me open it up to comments. Ms. Topilnycky, we do have your note. I thank you very much for it.

Kelly Topilnycky, 18 Maple Avenue: Every year since the market's inception the parking and traffic has increased, making it dangerous for both pedestrians and drivers. Each year the parking and traffic issue is brought up before the Board, and every year the market remains in the same location despite the opposition. This year, in response to complaints about the Farmers' Market, the committee is proposing the same suggestions that are actually ineffective each year. Recommending the traffic park down the hill: people do not want to park down the hill. To change the parallel spaces on Southside and Maple to diagonal spaces: not only would the cost to change the parking be prohibitive, but you are displacing residents. The issue was looked at years ago, as I was reminded by my mother-in-law, who has lived here for 45 years.

The market makes a statement that they bring business into the Village. I am not certain that they do not mean bodies and not revenue. Just because cars and people come through the Village does not necessarily mean they are spending any more than they usually do. From my vantage point people come to the market and leave, especially in the heat of the summer, so that their food does not spoil. If they shop in the Village they will continue to shop in the Village. And, in fact, many Saturday customers are displaced due to the market. If, as suggested, the market expands for an additional week, through December, in the same place, the parking would be even worse for the holiday shoppers. Again, it would affect the people in the business district.

When it first started the Farmers' Market was like a new business. It needed care and tending, along with advertising and word of mouth. Like all business ventures, it needed funds invested, and time. However, the market has grown to the point where it should, and can, stand on its own two feet. People shop at the market just like any other business venture, and that is the point: it is a business venture, a commercial entity, held in a residential neighborhood. It competes with other businesses in the Village, and it has gone on long enough that you will never be able to gain a clear picture of funds being lost by other Village stores no matter how many surveys are done.

The Farmers' Market committee seems set on limiting the potential of the market. By keeping the market in place because it has become the social place to have it, the committee is limiting the growth potential. If it were to move to the parking lot down the hill, the

market would be able to expand. In this location it might even give the town ideas of traffic patterns for the waterfront development. After nine years it is quite clear the market is ready to expand. I am certain there are more vendors out there that would like the opportunity to sell in Hastings. Perhaps that is also a problem. The current vendors do not want additional competition, so by keeping it at a location that is too small to add vendors the current vendors have a monopoly.

The market does not start for three months. This is not such a short time that an alternate location cannot be chosen, one with a Hudson view that the committee seems to be interested in having. It is not as if they have not had years to think of an alternate location to hold the market. Every year they come up with the same excuses, the same game plan, such as enforcing parking and encouraging drivers to park elsewhere. This plan never works, and it is usually a short-term solution. People park where they want to park, close to the market. Those of you who do not live on Maple or use Maple to park could not possibly understand the restrictions that we face daily and not just on a Saturday. It is daily. A comment was made that it is only 26 days of the year. For Maple Avenue it is Monday through Saturday, more like 300 days of the year. We have commuters, the business people from the Village, the workers, plus residents trying to park.

I would urge the Board not to ignore the fact that whatever the Farmers' Market is, it is a commercial venture. Let us not forget that the farmers who sell their products at this market are earning a healthy profit. In the end, it is a business venture for them. They do not care about parking or about the other businesses in town. If someone applied to open a vegetable stand in the middle of Maple Avenue, because Maple is zoned residential questions would arise about parking accommodations and traffic flow. You would not necessarily allow the stand to offer to use a traffic enforcer or suggest you change the structure of parking on Maple Avenue to accommodate them, which is what the Farmers' Market committee is suggesting. The committee, which has the support of a select group, is suggesting that their wants and desires of a beautiful location should be supported above the residents and business owners in the Village. I am sorry, but that is a selfish attitude and leaves absolutely no room for a compromise. We have compromised for nine years. Is it not time that the Farmers' Market committee compromise for once? How lovely it would be if everyone in town got a perfect view, free rent, trees, and bathrooms. The parking lot down the hill is within walking distance to the train station, the library, and the town hall. The vendors all have canopies and tents. People will follow the market wherever it ends up.

I would also like to point out that we have approximately 11 parks within the town limits. Some are underused. Why not use one of them? MacEachron Park is a beautiful area. It would be perfect: a lead-in time for when the waterfront is finally developed, and the committee would have its picture-perfect view.

This meeting slips under the radar every year. Not many people realize that it comes up on the agenda, and this year it came up very quickly. We popped our heads in five stores today to see what the business people in the Village were thinking. Their businesses are not really being listened to. They have valid concerns about the location. Food for Thought has a new owner. Hastings Meat Market also has a new owner. Those were long-term businesses in town. Within the frame of the Farmers' Market running they have both sold their businesses and moved on. I am concerned that the Village is overlooking something if they are that unhappy. Maybe it was just for profit, I do not know. I did not speak to the previous owners. But I know that the new owners are concerned. And they are not necessarily new. One of them has owned Food for Thought now for seven years. But they are concerned. They say that as soon as the Farmers' Market hits they have a drop-off in business. The Farmers' Market is entrenched in the town. I am not asking to get rid of it. We are just asking for alternative locations.

I would appreciate, because this meeting did slip up quickly and under the radar, a possible extension on the decision about the location so that we could go door-to-door and ask people what they thought. The people who attend the market are going to say they love it, they love the view. Yes, of course, but the people who park here, the businesses that are being directly impacted, might have other opinions. You need more than my opinion, more than their opinion. There are 8,000 residents in Hastings? When they did their survey they only got 18 back from the people in the business district and about 60 from all of the residents in Hastings. That is not enough to give you a clear picture. Again, I would ask that the Board, and I hate to do that to Sue because she has got things to get in place, but give serious consideration to finding alternative locations. I do not think serious consideration has been given previously.

Rebecca Kreis, 2 Ridgedell Avenue: I am on the corner of Maple and North. We bought the house two or three years ago. Having the Farmers' Market here was a huge selling point for us. There are two issues here. Residential parking in the neighborhood is very difficult. We ought to consider a neighborhood parking permit for people who do not have driveways. But that is a completely separate issue than having the Farmers' Market up here.

There are very good arguments for keeping the Farmers' Market where it is now as opposed to moving to a parking lot down the hill. People want to be able to walk to do their grocery shopping. If we move down there, people are going to get in their car, drive there, do their shopping, and drive back. Downtown gets skipped, and you have a lot more traffic on the street. No one is going to walk down there with a cart and walk back up.

I come up here with my two little kids. I let them run loose. My friends look after them. Everybody knows there are no cars. Although there is handicapped parking, I have never seen a car come down when I am coming up with my kids. I like to let them run around while I do my shopping, and then I collect them and then we go. If it is moved to a parking lot where there are lots of cars coming in and out I am going to feel very uncomfortable bringing my children and showing them what fresh fruits and vegetables look like from a farmer, which I think is a great opportunity for them. Although residential parking is a big issue, if we leave during that time and come back, we are eventually able to find a parking spot. We have nice neighbors. They say, if you cannot find a spot, park in our driveway. It has worked out. It is not like living in downtown Manhattan, where we would circle the block for 45 minutes to find a spot.

Mayor Kinnally: Thank you. Anyone else? If not, what is the pleasure of the Board?

Trustee Quinlan: No comments. I am ready to vote.

Trustee Swiderski: No comments.

Trustee McLaughlin: I did want to address the issue of the parking sticker. Have we not determined in the past that in order to get parking by neighborhood we would have to get it approved by the state legislature?

Mayor Kinnally: I believe that is the case.

Trustee McLaughlin: It sounds absurd that we would have to go to Albany to get permission to have neighborhood parking. It works in Boston. Any number of neighborhoods, including the one where I live, would like it.

Village Manager Frobel: I had a conversation this week with Marianne, and it may not be insurmountable, it may not be difficult. It may take some homework. Marianne, do you want to elaborate?

Village Attorney Stecich: It requires an act of the legislature. It takes a long time, and it is not one of those things where you get your local assemblyperson to sign on and it goes through. You have to make a showing. They are tough about it. You need a traffic study to back it up. The Manager was telling me about tickets that were given on Washington Avenue in the last snowfall. Most of the people turned out to be from out of town. So I can think of a good argument to make. It is not insurmountable, but it is a long-range task.

Mayor Kinnally: We have talked about this. There are pitfalls: where does it end. Every neighborhood wants to have its own private parking, may I dare use the phrase, enclave.

Let us get back to the Farmers' Market. Kelly, you raise some very good points. I am not so sure even considering alternatives that we can do it justice by saying we are going to put it off for a meeting or two meetings. This was not under the radar. It was on our agenda. It could not have been under the radar; you have been here for two weeks. People have known about the market, they have expressed their concerns. I do not for a moment discount the parking problems every day of the week.

The exposed area of Zinsser, while it sounds very good, is a problem. People will not come down from June on because it is so bloody hot; there is no relief from the sun. But I am ready to vote with a promise that we will continue to look at it and to work with the merchants—although I have not heard many negative comments from the merchants for the nine years that we have been here—with the neighbors, with the police, the Safety Council, to see if we can come to a resolution. We are devoted to having a farmers' market, we want to have it in a central area of the Village. Everybody is not going to be happy, but not everybody should be unhappy. I want to see this continue to work, I want to see a lot of these concerns addressed and, hopefully, solved.

Steve Topilnycky, 18 Maple Avenue: This morning I spoke to Food for Thought, Manor Market, Rockwood Wines, and the meat market. All of them are very concerned about the Farmers' Market in general, which is just opposite of what you just said.

Mayor Kinnally: I said I had not heard any concerns. It is not opposite. They talked to you, they did not talk to me about it.

Mr. Topilnycky: Food for Thought said that he sends a letter in every year in opposition to it. I do not know about this year, but years past.

Mayor Kinnally: I did not get it this year, no. When we first came up with the idea there was opposition from Food for Thought. There is no question about it. They were afraid about the organic and about the general vegetables, that it was competition. The original owner of Hastings Prime Meats objected to it because they started off as a food and vegetable store and they objected to it. I have not heard from these merchants that there is a direct correlation between the existence of the market and a fall-off in sales. But I will reach out to them.

Trustee Quinlan: I saw a letter from the Chamber of Commerce from Nina, who was in support of keeping the Farmers' Market in its present location. That should be made part of the record. Also, Kelly, I live right near the school and parking is a big problem on my street, as you can well imagine, as it is in many neighborhoods. So we are very concerned about the parking in Hastings, but it is a problem in Hastings and in a lot of communities. Maybe we can look into the legislative act. That opens a Pandora's box, but parking is a problem and we are all very sensitive to it.

On MOTION of Trustee McLaughlin, SECONDED by Trustee Swiderski the following Resolution was duly adopted upon roll call vote:

RESOLVED: that the Mayor and Board of Trustees approve the use of the Municipal Building parking lot for the 2007 Farmers' Market on Saturdays beginning June 2, 2007.

ROLL CALL VOTE	AYE	NAY
Trustee Marjorie Apel	Absent	
Trustee Peter Swiderski	X	
Trustee Jeremiah Quinlan	X	
Trustee Diggitt McLaughlin	X	
Mayor Wm. Lee Kinnally, Jr.	X	

Mayor Kinnally: With the commitment that we will continue to look at these things.

26:07 SUPPORT RESOLUTION – LISTING OF WATERFRONT BUILDINGS ON NATIONAL REGISTER OF HISTORIC PLACES

Mayor Kinnally: This item was put on the agenda at the request of Trustee McLaughlin and Trustee Quinlan. Let me preface action on this with the following.

I had indicated at our last meeting that there is going to be a meeting with ARCO, the attorneys, the engineers for ARCO, Mr. Frobel, myself, Mark Chertok, and our engineers to discuss many items that have been raised and have to be considered in connection with both the cleanup and the development of the waterfront and, in particular, the siting of the infrastructure on the site. Today Mark Chertok, our Village attorney for environmental purposes, called and said that he had received a call from an attorney from ARCO who indicated that the historic preservation of the buildings on the site was going to be added to the agenda for Monday night's meeting. In light of that, it was my thinking that we should not address this resolution this evening, but give ARCO an opportunity to give us its insight

and input on this topic at the meeting on Monday evening in New York City. So I reached out to the Board individually today, including Trustee Apel, and I believe the sense of the Board is that we should wait to hear what ARCO has to say before we vote on this. But I will open it up to the Board for their comments.

Trustee Swiderski: That is a fair representation of what I agreed to. Ultimately ARCO is the owner of the two buildings. They have not had a chance to respond to this idea whether in private or in public, and I do not think deferring a decision by three weeks is killing a decision. It is simply waiting for input.

Trustee McLaughlin: I agreed to this when you called me today, but I still have the question in my mind of what are we gaining by waiting three weeks?

Mayor Kinnally: Since it is their property, I wanted to get some input from ARCO. I have not gotten that. That is what we are gaining, maybe some input from them on this topic.

Trustee McLaughlin: In other words, ARCO does not have a boilerplate answer. They will tailor their answer to the particular circumstances. They do not have a boilerplate answer on landmarking parts of their property in general.

Mayor Kinnally: Not that I know of. I have not engaged Dave in that discussion, so if they do or if they do not there is nothing I have that leads me in that direction.

Trustee Quinlan: We are going to make a decision in three weeks. That is not too long for me and I think we could have more insight with more information.

Mayor Kinnally: Stuart?

Stuart Cadenhead, 5 Valley Place: I defer to your authority.

Mayor Kinnally: I have no authority. I am just trying to reach out to people to get some idea of what would be best here.

Jim Metzger, 427 Warburton Avenue: I am not familiar with the inner workings, but I have been somewhat involved with the Historic Preservation Committee, which is doing a remarkable job. Anybody who has had an opportunity to read Stuart Cadenhead's e-mail responses to issues that have been raised, it seems like he has taken on a second career in trying to save these buildings.

My feeling is and, again, I do not know the inner workings, that forewarned is forearmed. There would be nothing wrong with possibly hearing what the benefits to landmarking the buildings would be before hearing ARCO tell you why they want to tear them down. From the e-mail response I've been reading, ARCO seems to be moving in that direction: it is going to be too expensive, there's too much contamination, the buildings are damaged.

Mayor Kinnally: I do not think there has been an e-mail response from ARCO on this.

Mr. Metzger: I understand from the information that they're presenting, that I have been reading in e-mails. They are somewhat diverting from the information that they presented about six months ago where they said it would cost about \$1million to stabilize the buildings. Now it seems like that is not a realistic number, it is going to be way too expensive. It seems to me that Hastings would benefit from knowing what the positive aspect of saving those buildings would be to enter into a better negotiation with ARCO, so as they present information you would have information to counter with.

Mayor Kinnally: Stuart has given us that information before.

Mr. Metzger: I am just making sure that you are up to speed on the issues that Stuart has been presenting recently so that these negotiations are handled...

Mayor Kinnally: We have not had any negotiations with ARCO about this. Stuart, at our request, reached out to ARCO to get their response. That is it. There have not been any negotiations.

Mr. Metzger: Then I am curious. What is this meeting about?

Mayor Kinnally: This meeting is not about building preservation. It is one of the items they want to add to the agenda. We are talking about the cleanup, changes in the testing, I would assume the coordination between ARCO and the DEC on the additional testing not only on the land side but also in the water and in the area right adjacent to the bulkhead that they have been discussing with us concerning the newly-found DNAPL issues. about possible modifications to the consent decree having to do with different siting of the infrastructure, utilization of the fill. That is what we are talking about. It will be a legal, an engineering, a general administrative review of what has been going on.

Mr. Cadenhead: I just want to make sure it does not get lost. What we are pursuing at this point is not a National Register designation, but a determination of eligibility. As I have said before, the property owner has the right to decline the National Register designation. The

permission of the property owner is not necessarily required to pursue the determination of eligibility, and that is what we are asking for the Board's endorsement in pursuing.

On MOTION of Trustee Swiderski, SECONDED by Trustee McLaughlin Resolution 26:07 was tabled by roll call vote:

ROLL CALL VOTE	AYE	NAY
Trustee Marjorie Apel	Absent	
Trustee Peter Swiderski	X	
Trustee Jeremiah Quinlan	X	
Trustee Diggitt McLaughlin	X	
Mayor Wm. Lee Kinnally, Jr.	X	

27:07 SCHEDULE SPECIAL MEETING TO AWARD CABLE FRANCHISE TO VERIZON

Mayor Kinnally: We have a Verizon representative here this evening. This has been a fluid thing. We have a cable committee, chaired by Bob Perlstein, with Raf Zaratzian, Kevin Dawkins, and Paul Hammons, which has been discussing with both Verizon and Cablevision a number of issues that are being incorporated, or hope to be incorporated, in a draft franchise agreement.

We had a meeting two weeks ago with representatives of Verizon where we discussed a number of open issues. We were hoping that we could get a resolution of these issues. There is a recognition on everybody's part that not everybody gets what they want. But there are some issues that have not been fully vetted. Verizon did get another draft franchise agreement to me today. It came in at 6:53 this evening. I have not had a full opportunity to review everything, but the little that I did review and discuss with Bob Perlstein and Raf Zaratzian and Verizon, this draft agreement does not appear to be where we had hoped it to be and there are still some outstanding issues that common ground could be reached on.

So we are not at the point to schedule a special meeting of the Board of Trustees for next Tuesday to vote on the franchise agreement, if for no other reason but that we are going to have to post this draft agreement to get public comment on it and it is not sufficient at this point to do that. I will not speak for Verizon, but there is a hope on Verizon's part that discussions can continue. I had discussions with representatives of Verizon on the 9th and on the 16th of this month and Bob Perlstein has had discussions, but they have not gotten to the point where all of the issues that are outstanding have been fully discussed. We are just not ready.

Susanna Sperling, Verizon: I am sorry you will not be able to schedule a special meeting for next week. We encourage you to do so, and hope that discussions can go on in the intervening week. I understand your concern about not being comfortable with the current agreement and not being comfortable enough to post it at this time. But we hope the discussions go on over the next week and that you will be in a position to vote on this agreement as soon as possible, if not next week then within a very short period of time.

Mayor Kinnally: We are as anxious as Verizon is to conclude this. I do not have the discussion about not having it next week as a punitive measure. It is just a practical measure that we do not have the time to get this out to the community. We are more than willing to schedule meetings. We can do it by phone or whatever. The issues have been identified. I am not sure all of the discussions have been had. I illustrated one of the items with you when we were downstairs on the phone with Monica. Our next meeting is April 10. I would look at doing something as early as we can after that date.

Ms. Sperling: Would the 10th be a possible target date?

Mayor Kinnally: Yes.

Ms. Sperling: So we will try to facilitate these conversations as quickly as possible to get an agreement.

Trustee Quinlan: It is impossible for us to schedule a public meeting without a public vote. Is that correct?

Mayor Kinnally: No, that is not right. You can have a special meeting.

Trustee Quinlan: How about a public meeting. We were going to have a resolution here to schedule a special meeting. So we can do that without putting it on the agenda and discussing it in the public?

Village Attorney Stecich: I think your question is do you need to take a vote at a meeting to set up a special meeting.

Trustee Quinlan: Correct.

Village Attorney Stecich: Yes, you would to set up a special meeting, but you are suggesting that it be on at a regular meeting.

Mayor Kinnally: But you can have special meeting by notifying the press, can you not?

Village Attorney Stecich: Well, you give as much notice as you can.

Mayor Kinnally: But there is no real reason to do that here.

Trustee Quinlan: Before a special meeting is scheduled we would have to poll the Board and have the majority agree to schedule it? Is that correct?

Mayor Kinnally: I do not think so.

Trustee Quinlan: Well, who can schedule it then unilaterally?

Mayor Kinnally: I can schedule it, I believe, and the Clerk can schedule it.

Trustee McLaughlin: We had a special meeting scheduled to vote on Ridge Hill, if you recall, and I think it was called the night before. We met at 8 a.m. on a Thursday.

Mayor Kinnally: We did not do it the night before. We may have done it the day before. So you can do it. Here, the reason I put it on tonight is because we are all together and I would rather do it at a public meeting, obviously.

Trustee Quinlan: Would there be any reason why we would do this any place else than a public meeting?

Mayor Kinnally: You would always do it at a public meeting. The question is whether it is going to be a regularly scheduled meeting or a special meeting.

Trustee Quinlan: I am satisfied then. I just want to have input into when and where and why and how we are going to schedule, if anything, a special meeting on this. I think it is an important agreement. I do not want to hold it up. But it is a serious matter, and we need the input from the committee before we do it.

Mayor Kinnally: And that is why I think we should not act on this tonight. Anybody else want to be heard on this?

William Smith, 46 Sheldon Place: Admission: Verizon employee. Another admission: Cablevision subscriber. I have lived in the town for a long time. I know you all work very hard on these issues. I would like to urge you to move as quickly as possible on this, in part just to help me out as a Verizon employee so my neighbors will stop asking me why

Hastings is taking so long. I know that most of the other villages in the area have granted franchises and the service is up and running. I am not involved at all in any of the negotiations, but just as a user of Cablevision service I would look forward to having the competition. I would urge you all to work as quickly as possible. I know you have full plates, but as Jerry said this is very important.

Mayor Kinnally: And in fairness, it takes two to tango here. We have it 99% completed, but there are a number of issues that have not been fully resolved. I am not saying they have to be resolved all the way we want them to be. But in the last two weeks the exchange of information that we had sought has really not come to fruition so we ran out of time.

Mr. Smith: Is it a possibility on the April 10 meeting?

Mayor Kinnally: Yes.

Mr. Smith: That would be wonderful.

Mayor Kinnally: We have the same issues with Cablevision, trying to hammer out an agreement with them. In fairness to Verizon, one serious concern that we have with Verizon is a response from Cablevision. It is pretty much we will not do it unless they do it, so we have to find out what both of them are going to do. And it is a money item to the Village.

Mr. Smith: I am sure. On the other hand, all the other villages in the area have been able to work out similar issues. But I understand you have your concerns. Thank you very much, and good luck.

On MOTION of Trustee Swiderski, SECONDED by Trustee Quinlan with a voice vote of all in favor, Resolution 27:07 was TABLED.

VILLAGE MANAGER'S REPORT

Village Manager Frobel: Since my last report on the Community Center I am pleased to say that we now have electrical power on the site. It has been quite a struggle, but we have power there now. We expect the gas meter will be installed this week. That will allow us to begin the process of firing up the furnace. As you know, bringing heat to the site is very important. We have been trying to warm the building with space heaters, but it is not enough to have us do additional painting and taping of the Sheetrock. So we hope to have heat in the building by anywhere from a week to 10 days. The sanitary sewer line should be installed this week. They continue to work on insulation of the interior lights. The

bathroom work should be finished perhaps as early as next week. And they continue to work on the roof with the gutters and the leaders coming down.

Mayor Kinnally: Timetable.

Village Manager Frobel: I think we will be substantially complete by May 1.

Mayor Kinnally: Move in?

Village Manager Frobel: Soon thereafter. April will be a very important month to us. Once we get heat in there it will move very quickly. They can put down the floor, etc.

BOARD DISCUSSION AND COMMENTS

1. Update on the Waterfront

Mayor Kinnally: I pretty much covered what has happened or not happened on the waterfront. We will have much more to report on April 10.

2. Handicapped Parking Space on Marble Terrace

Village Manager Frobel: Sharon O'Shea brought this concern to my attention. She first contacted me more than a year ago looking to consider dedicating a handicapped parking space near her home. This is something that has been done in the past. I know it is going to require a little research. But the local ordinance does have, at least from what I can determine, one additional handicapped parking zone on one of our neighborhood streets. I have asked Sharon to be here tonight to talk about her situation. I informed her this would probably take a little time in getting feedback from the police department and our Safety Council. But we wanted to begin this process for you to consider amending the code to allow her to have a parking space.

Mayor Kinnally: Sharon, thank you. You sent a series of e-mails, and Fran was kind enough to give us everything that you had sent us so we have that background.

Sharon O'Shea, 406 Warburton: I have made something for you to look at because it is difficult to visualize the situation. I have a Google Earth photograph, I have photographs, of a parking area that is not used by the tenants of that building.

This is to request an amendment to the Village code for a handicapped parking space on Marble Terrace to accommodate my disability. I have lived at 406 Warburton for 11 years.

For about eight years I was allowed to park on my landlord's property, which is accessed from Marble Terrace. In November of 2004 I became permanently and totally disabled. Since then I have not been able to use the front stairs of my building. It is not just because it is hard walking up; it is because the stairs are very steep, very shallow. I have fallen down the stairs several times. So it is safer for me to go out through the back of the building, go up the back yard and two marble terraces to my car. About a year ago my landlord told me that his son was going to be moving into the building and that I would no longer be allowed to use that space on his property to park.

I apologize for talking about parking again tonight. I do not know how many times people have brought up parking. Parking is tight. This is a very short and narrow street. Of the six houses on the street, four have off-street parking. Directly across from the parking area that Mr. Young created, that house has a two-car garage. But in the 11 years that I have lived there it has never been used to put cars in. It is used for storage. One house has no off-street parking, that is Mr. Houghteling's residence, and I believe that between his family and his tenants there are either four or five cars that are usually parked at the end of the street. The apartment building at the corner of Marble Terrace and Division Street, which I am calling 1519 Marble Terrace, it might be 1521, has approximately seven or eight assigned spaces in the back. But the tenants in that building prefer to park in the front so they do not have to walk around the building, with one or two exceptions. I have on several different dates, all after 5:00 p.m., there are either no cars parked there or there are one or two.

The space that I am asking to convert to handicapped parking is immediately north of, and adjacent to, Mr. Young's parking area. While I can usually park there, that is only because I do not move my car. If I have to go out at night I get a ride. If I have to go to the doctor I make my appointments early in the afternoon so that I can run home and get a space before they are gone. A couple of months ago I started putting very nice, friendly, neighborly notes on people who were parking in the space and asking them if they could give me the consideration due to my disability, and that did not work. I know that a regulation handicapped parking space is larger than the space that I am currently using with my compact car. The space that I am talking about accommodates two cars, but I do not think a handicapped space would accommodate two cars. However, there is another woman on that street who is also disabled. What I would hope, so that there would be no net loss of parking on the street and everybody who wants to park in the front of their building can park in the front of their building, is that unofficially both of us would be allowed to park there.

Mayor Kinnally: It is a handicapped spot that any handicapped person can use. It is not dedicated to any one particular person.

Ms. O'Shea: I understand that, but what I am hoping is that both of us have tags, maybe I should just keep my mouth shut, she does have an assigned space. She prefers to park in front of the building because it is easier for her to access her building from the front.

Mayor Kinnally: Maybe she can give you her space in the back of the building.

Ms. O'Shea: That landlord would make me pay, and that arrangement has been worked out with tenants of our building in the past and I cannot afford to do that. I hope we can work this out in some way that meets everybody's needs and preferences. I know it is not going to make people happy on Marble Terrace, but I have done everything I can to accommodate my needs as well as everybody's else's, including waiting for a long period of time to bring this to you. In July my mother became very ill. I was getting her into a nursing home, taking care of her financial affairs. There were periods of time where I was gone for as long as two weeks, and I did not feel right about asking for a handicapped parking space when I was coming and going all the time. Now it is done and I am there and I am not going anywhere.

Thank you, Trustee McLaughlin and Mr. Frobel, for making the inquiries and finding the law and getting me on the agenda. And thank you, Mayor Kinnally and Trustees for your consideration.

Mayor Kinnally: Fran, we have to refer this to the committee and the Safety Council, and everyone will take a look at that.

Trustee Quinlan: We are going to refer to the Safety and the committee on the disabled?

Mayor Kinnally: Yes.

Trustee Quinlan: And the police.

Fred Olsson, 1 Glenwood: I drove to that place today. It is an unusual street. It is very small. I counted seven cars and there are six houses. If you drive down it you have to back out. It is an extremely difficult street to park in. I am sure you all know that.

Mr. Metzger: I live in that neighborhood. I walk by that street every day on my way up to the Aqueduct. It is an endemic problem in our neighborhood that even though certain facilities do have off-street parking very few people take advantage of that and they tend to park on the street, making it more difficult for those of us that do not have the opportunity to have off-street parking. The situation is going to get worse when the affordable housing is completed even though they have satisfied their requirement for off-street parking in that facility, the same way that the existing multi-family unit right across the street nobody parks

in that parking lot because it is difficult to walk a half a block to their unit. It is going to get worse. When we have people in the community that have special needs, in this case it would be a very good idea to try and accommodate that.

Trustee McLaughlin: I would like to speak as a temporarily non-handicapped person, which is what in some senses we all are. One of my formative experiences in life was shattering my hip socket in 1980. Ever since then I have been medicated for pain. I have sometimes found some things almost impossible to navigate, such as streets that do not have curb cuts. There have been times when walking has been very difficult. I believe that New York State gives us the legal right to make allowances for people with disabilities and that we should use that right. So I am happy to have brought Ms. O'Shea's question to the Board, and I support our ability to do so. I hope that we approve this. I would like to encourage the committees that have to consider this to proceed faster rather than slower.

Trustee Swiderski: Diggitt said it eloquently and elegantly, and I have nothing to add.

Ms. O'Shea: This will be referred to these committees with the information that I have given you, or will I have to go before these committees?

Mayor Kinnally: You may want to go before them, but they will have what you have given us.

3. Other

Trustee Quinlan: It came to my attention that tomorrow night there is a meeting planned by the planning commissioner of the Town of Greenburgh regarding the pool of money for traffic improvement for Hastings, Ardsley, and Greenburgh, part of the Ridge Street settlement. I cannot go to the meeting. I do not know if any other Trustee would like to attend that meeting. But I think if it has not been done already at least our representatives should be given the opportunity, Mike and Mary Jane, to go to that meeting.

Mayor Kinnally: They know about it, I believe. Mary Jane, are you on that distribution list?

Mary Jane Shimsky, 35 Ashley Road: No, I am not on the distribution list for that one. I am on the distribution list for the direct access. Unfortunately, they are two separate entities.

Mayor Kinnally: First, can anybody here go? I thought I forwarded that message to everybody. I got it yesterday. My apologies.

Trustee McLaughlin: Tentatively, I can go.

Trustee Quinlan: Mary Jane, could you go with Diggitt? Is that possible?

Ms. Shimsky: I could go. Diggitt is covering it, though. So unless Diggitt thinks she needs me, Diggitt can do it.

Trustee McLaughlin: The problem was brought to my attention about Zinsser not being plowed adequately. Apparently, somebody down there had to be towed yesterday because she got stuck in snow. And there have been people falling because of ice. I have not checked this myself, but I have heard complaints about it.

Mayor Kinnally: There is no question about it, there are some real problems. Part of it was getting in to plow because people were parked there. I went down there on Sunday night and the roadways were all plowed, but there were areas that were not plowed. There were cars still there from Friday night. They were snow-covered, so I going assume that they did not even try. But if my driveway is any indication, this was one of the worst storms ever to try to get rid of the snow.

Mr. Metzger: I had an opportunity to be at the train station very early yesterday morning. I do not know if this is Hastings or Metro-North, but right at the foot of the stairs going up to the new bridge, the way the sidewalk has been developed there, there was a sheet of ice. I saw three people fall despite warnings. We need to address that issue immediately.

Mayor Kinnally: It is Metro-North's sidewalk, and you are going to have the same problem tomorrow.

Mr. Metzger: It would behoove us to get in touch with Metro-North and make sure that somebody is down there sanding or salting. Also, the walkway in the new overpass, as soon as that gets even damp it becomes a skating rink; I saw two people fall today, and I have almost fallen. We need to bring it to the attention of Metro-North that they need to deal with that immediately.

Mayor Kinnally: Fran, could you call Mark tomorrow about that?

Village Manager Frobel: I will, yes.

Mayor Kinnally: I will entertain a motion to recess pending the election results.

On MOTION of Trustee McLaughlin, SECONDED by Trustee Quinlan the meeting was recessed at 9:30 p.m. to await election results.

[Reconvene 9:50 p.m.]

28:07 CERTIFICATION OF ELECTION RESULTS

Mayor Kinnally: We are back in session to certify the election results. These results do not include write-in votes. For Mayor, 21st Century Party, Wm. Lee Kinnally, Jr., 230 machine votes, five absentee ballots, 235 total. For Trustee, Democratic, Peter Swiderski, 302 machine votes, five absentee ballots, 307 total. For Trustee, Democratic, Danielle Goodman, 310 votes, four absentee ballots, 314 total.

Persons voting: machines 370; absentee five; total voters 375, for 7% of the persons registered. If there are 5,258 registered voters in the Village that is a very high number because we have a little less than 8,000 people in the community. We have to do something looking at these rolls. But my congratulations to everyone. Danielle, welcome. You probably should schedule an appointment tomorrow to have your head examined. Peter and Diggitt and Jerry will give you a good person to go to see to have that done. But congratulations. Welcome.

Tom Brown, Overlook Road: Would you read off the write-in votes please? There are a considerable amount.

Mayor Kinnally: I know, but I do not have all of them. Some names are Red Angelovich, Marge Apel, Holly Tree, Jim Metzger. I do not know what the other ones were.

On MOTION of Trustee Quinlan, SECONDED by Trustee McLaughlin the following Resolution was duly adopted upon roll call vote:

RESOLVED: that the Mayor and Board of Trustees hereby accept the Election Results and that Wm. Lee Kinnally, Jr. is declared Mayor for a term of two (2) official years and Peter Swiderski and Danielle Goodman are declared Trustees for a term of two (2) official years each.

ROLL CALL VOTE

AYE

NAY

Trustee Marjorie Apel	Absent
Trustee Peter Swiderski	X
Trustee Jeremiah Quinlan	X

Trustee Diggitt McLaughlin	X
Mayor Wm. Lee Kinnally, Jr.	X

EXECUTIVE SESSION

On MOTION of Trustee McLaughlin, SECONDED by Trustee Quinlan with a voice vote of all in favor, the Board scheduled an Executive Session immediately following the Regular Meeting to discuss personnel items.

ADJOURNMENT

On MOTION of Trustee Swiderski, SECONDED by Trustee McLaughlin with a voice vote of all in favor, Mayor Kinnally adjourned the Regular Meeting at 9:55 p.m.